

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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ESTATE OF SUANNE BARDZELL, }

Plaintiff, }

v. }

BOROUGH OF MIDLAND PARK, }

MIDLAND PARK POLICE }

DEPARTMENT, ITS OFFICERS, }

SERVANTS, AGENTS, ASSIGNEES }

DELEGATES, AND/OR EMPLOYEES }

JOHN/JANE DOE(S), MIDLAND }

PARK BOROUGH OFFICIALS AND/OR }

POLICE OFFICERS (1-15) }

(Fictitious names intending }

to designate the Midland Park }

Borough and Midland Park }

Police Department employee(s) }

and/or officer(s) responsible }

for causing Plaintiff's cause }

OF action and damages/ }

injuries), ABC CORPORATION(S) }

AND PUBLIC ENTITIES (1-5) }

(Fictitious name intending to }

designate the entity or }

entities responsible for }

causing Plaintiff's cause of }

action and injuries), ABC }

CORPORATION OR ENTITIES, }

DIRECTORS, OFFICERS, SERVANTS, }

AGENTS, AND/OR EMPLOYEES, }

JOHN/JANE DOE(S) 1-10, ARTHUR }

LOMANDO, XYZ HOSPITALS (1-10) }

and JOHN DOES, MD (1-10) }

Defendants. }

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Civil Action No.
2:17-cv-01877-WJM-MF

Hon. Mark Falk, U.S.M.J.

**AMENDED JOINT PROPOSED
DISCOVERY PLAN**

1. Set forth the name of each attorney appearing, the firm name, address, and telephone number and facsimile number of each, designating the party represented.

Attorneys for the Plaintiff, Estate of Suzanne Bardzell:

Lawrence H. Kleiner, Esq.
Eric V. Kleiner, Esq.
Lawrence H. Kleiner, LLC
294 Harrington Avenue, Ste. 4
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Attorneys for the Defendant, Borough of Midland Park and Midland Park Police Department:

Thomas B. Hanrahan, Esq.
Hanrahan Pack, LLC
80 Grand Avenue, Suite 2
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2. Set forth a brief description of the case, including the causes of action and defenses asserted:

WRONGFUL DEATH; VIOLATION OF FEDERAL CIVIL RIGHTS ACT AND NEW JERSEY CIVIL RIGHTS ACT.

3. Have settlement discussions taken place?

Yes X No

a. What was Plaintiff's last demand?

\$600,000

b. What was Defendant's last offer?

\$200,000

4. The parties **HAVE** met pursuant to Fed. R. Civ. P.

5. The parties **HAVE** exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor:

AS THE UNDERLYING CRIMINAL MATTER IS AWAITING TRIAL, THE BERGEN COUNTY PROSECUTORS' OFFICE HAS NOT RELEASED ITS FILE.

6. Explain any problems in connection with completing the disclosures required by Fed. R. Civ. P. 26(a)(1):

AS THE UNDERLYING CRIMINAL MATTER IS AWAITING TRIAL, THE BERGEN COUNTY PROSECUTORS' OFFICE HAS NO RELEASED ITS FILE.

7. The parties **HAVE NOT** conducted discovery other than the above disclosures. If so, describe.

DEFENDANTS HAVE PRODUCED COPIES OF THE POLICE DEPARTMENT'S FILE SO AS TO ENCOURAGE RESOLUTION OF THIS MATTER.

8. Proposed joint discovery plan:

a. Discovery is needed on the following subjects:

b. Discovery **SHOULD NOT** be conducted in phases or be limited to particular issues. Explain:

c. Proposed schedule:

(1) Fed. R. Civ. P. 26 Disclosures: **ALREADY PROVIDED**

(2) E-Discovery conference pursuant to L. Civ. R. 26.1(d).

(3) Service of initial written discovery: **JULY 6, 2018.**

(4) Maximum of 30 Interrogatories by each party to each other party.

(5) Maximum of 5 depositions to be taken by each party.

(6) Motions to amend or to add parties to be filed by **SEPTEMBER 6, 2018**.

(7) Factual discovery to be completed by **OCTOBER 30, 2018**.

(8) Plaintiff's expert report due on **DECEMBER 30, 2018**.

(9) Defendant's expert report due on **JANUARY 31, 2018**.

(10) Expert depositions to be completed by **JUNE 1, 2019**.

(11) Dispositive motions to be served within 21 days of completion of discovery.

d. Set forth any special discovery mechanism or procedure requested: None.

e. A pre-trial conference may take place on:

f. Trial date: _____ (___Jury ___Non-Jury)

9. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.)? Yes **X** No _____

If so, please explain:

DEPOSITION OF INCARCERATED DEFENDANT, ARTHUR LOMANDO.

10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced? Yes X No

If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.:

BERGEN COUNTY PROSECUTORS' OFFICE, ISSUES DUE TO ONGOING PROSECUTION OF INCARCERATED DEFENDANT.

11. Do you anticipate the entry of a Discovery Confidentiality Order? See L.Civ.R. 5.3(b) and Appendix S.

DISCOVERY CONFIDENTIALITY ORDER FILED 4/5/18 (ECF 16)

12. Do you anticipate any discovery problem(s) not listed above? Describe. Yes No X

13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise). If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition, or dispositive motions, etc.).

Yes X No

THE PARTIES ATTENDED MEDIATION ON 2/15/18 BEFORE
ALEXANDER H. CARVER, III, ESQ.

14. Is this case appropriate for bifurcation?

Yes _____ No X

15. An interim status/settlement conference (with
clients in attendance), **WILL BE** held on **JUNE 19, 2018 at 10:30**
AM

16. We **DO NOT** consent to the trial being conducted by a
Magistrate Judge.

17. Identify any other issues to address at the Rule 16
Scheduling Conference:

/s/ Lawrence H. Kleiner
Lawrence H. Kleiner, Esq.,

/s/ Eric V. Kleiner
Eric V. Kleiner, Esq.,
Attorneys for Plaintiff,
Estate of Suzanne Bardzell

/s/ Thomas B. Hanrahan
Thomas B. Hanrahan, Esq.,
Attorney for Defendants,
Borough of Midland Park
and Midland Park Police
Department